

**SECTION VII**

**ADMINISTRATIVE REQUIREMENTS**

**A. INTRODUCTION**

This section contains the detailed administrative requirements pertaining to this RFP. Bidder's are to initial each subsection to indicate their agreement with the terms of each requirement. All these requirements are mandatory and will be evaluated by the state on an all-or-nothing basis. Bidders that fail to agree to meet any of these administrative requirements will be disqualified and given no further award consideration.

Also see **Section VIII, TECHNICAL REQUIREMENTS** of this RFP, plus **Section IX, COST**, **Section V, PROPOSAL AND BID FORMAT**, and **Section II, RULES GOVERNING COMPETITION** for other requirements that must be met in order to be considered responsive to this RFP. Background information is provided in **Section III, CURRENT PROGRAM**. Bidder instructions that are unique to this re-bid of the existing contract DGS-6023A are provided in **Section IV, PROPOSED PROGRAM**.

Note that this section of the RFP is formatted to be a "round-trip" document, i.e., to allow a bidder to respond directly by removing this entire section of the RFP, filling in blanks as appropriate for the categories proposed, copying and completing exhibit forms as appropriate for the categories proposed, and returning this entire section as part of the bidder's **Volume 1**. Any supplemental or reference documentation shall be clearly cross-referenced to the bidder's **Volume 4**.

**B. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION PROGRAM**

State law requires that state contracts have participation goals of 3% for disabled veteran business enterprises (DVBEs) on each awarding Department's annual expenditures. Bidder's can satisfy this DVBE goal by:

Goal Attainment  
Good Faith Effort or  
Utilization Plan

**The documents at the following Internet link** provides the location from which to obtain the solicitation packet information for complying with this requirement:

<http://www.pd.dgs.ca.gov/dvbe/solicpk.htm>

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The DVBE Participation Summary Form Std. 840 that must be completed and submitted to DGS-TD for every project proposal submitted under this agreement is available electronically at the following Internet link:

<http://www.documents.dgs.ca.gov/osp/pdf/std840.pdf>

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

1.      Notice to Subcontractors

The DGS Telecommunications Division, upon award to a prime contractor, shall notify DVBE subcontractors listed on the **Std. 840** and all other subcontractors listed on **Exhibit VII-A** as to their participation in the contract. For this reason, the prime contractor agrees to immediately notify the subcontractor after an award by the State.

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

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**C. PRIME CONTRACTOR RESPONSIBILITY**

A bidder submitting a proposal that results in the award of a contract will be considered the prime contractor. The prime contractor shall accept full responsibility for coordinating and controlling all aspects of the proposal, including support to be provided by any sub and/or secondary contractors, and will be the sole point of contact with the state relative to contract performance. If this performance involves the use of one (1) or more products proprietary to another supplier, the prime contractor will be responsible for acquiring a license for the state's use of such program products.

**The bidder agrees to the terms of this section.** YES \_\_\_\_\_ NO \_\_\_\_\_

**D. SUBCONTRACTORS**

1. Any subcontractor (including a DVBE subcontractor) that the bidder chooses to use in fulfilling the requirements of this RFP and that is expected to receive more than ten (10) percent of the total of any category must also meet all Administrative and Technical Requirements of the RFP, as applicable.
2. Bidder's must list subcontractor(s) that are expected to receive more than ten (10) percent of the total cost of each category (see **Exhibit VII-A**) identify the category and the subcontractor's labor classification.

**The bidder agrees to the terms of this section.** YES \_\_\_\_\_ NO \_\_\_\_\_

**E. CONFIDENTIALITY**

To preserve the integrity of the security and confidentiality measures integrated into any agency's automated information system(s), each bidding firm is required to sign a Confidentiality Statement (**Exhibit I-D**) to be submitted by the date specified in **Section I** and as part of the RFP.

Similarly, any contractor who performs consulting services after contract award that may require them to come in contact with confidential agency information will be required to exercise all reasonable security precautions for any such data that is made available.

**The bidder agrees to the terms of this section.** YES \_\_\_\_\_ NO \_\_\_\_\_

**F. DRUG-FREE WORKPLACE REQUIREMENT**

Chapter 5.5 (commencing with Section 8350) of Division 1 of Title 2 of the Government Code requires every person or organization awarded a contract for the procurement of

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goods or services, for any state agency, to certify that it will provide a drug-free workplace. (Refer to **APPENDIX B, State Model Personal Services Contract**, Section 18.)

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**G.      FEDERAL DEBARMENT**

The Federal Department of Labor requires that state agencies which are expending Federal funds of \$25,000 or more to have in the contract file, a certification by the contractor that they have not been debarred or suspended from doing business with the Federal Government. Each bidder must certify compliance by submitting a fully executed copy of **Exhibit VII-B** with the proposal.

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**H.      PAYEE DATA RECORD**

The contractor(s) to be awarded this contract will be required to sign the Standard Form 204 (Payee Data Record), before contract award. This document is available electronically at the following Internet link:

<http://www.documents.dgs.ca.gov/osp/pdf/std204.pdf>

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**I.      BIDDER'S BACKGROUND**

Prior to award of the contract(s), the state must be assured that the bidder(s) selected has all of the resources required to successfully perform under this contract(s). This includes, but is not limited to, experience in similar endeavors, consultants in the numbers and with the skills required, available experienced consultants to augment existing employees, and financial resources sufficient to complete performance under the contract(s). If, during the evaluation process, the state is unable to assure itself of the bidder's ability to perform under the contract, if awarded, the state has the option of requesting from the bidder any information which the state deems necessary to determine the bidder's responsibility. If such information is required beyond that already specified in this RFP, the bidder will be so notified and will be permitted five (5) working days to submit the information requested. If the information submitted by the bidder, or available from other sources, is insufficient to satisfy the state as to the bidder's contractual responsibility, the state may ask for additional information or reject the proposal. The state's determination of the bidder's responsibility, for the purposes of this RFP, shall be final. Failure to provide adequate background information will be deemed a material deviation, and the bidder's proposal will not be considered for award.

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The bidder shall prepare background information containing the following components and submit as **Exhibit VII-C** with the proposal.

1. History: Bidder shall provide a synopsis of their corporate history.
2. Organization: Bidder shall provide information on their internal organization and relationship, as appropriate, to any parent or holding company with a financial interest in the bidder's firm.
3. Leadership: Bidder shall provide the resume of the responsible manager(s) in charge of the consulting organization(s) that is proposing to provide service(s) in response to this RFP. In addition, bidder shall provide the firm's mission and/or vision statement(s), if available.
4. Independent Consulting: To qualify in any consulting category, each consulting firm is required to provide with both the Draft and Final Bids written substantiation of their knowledge and ability to provide sustained, **independent telecommunications consulting services** to multiple governmental agencies. Refer to the **Section VIII** for the specific requirements of each consulting category and to **Exhibit III-A** for a definition of terms.

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**J. PERFORMANCE BOND**

Some telecommunications consulting projects may require the contractor to supply a performance bond at no additional cost to the requesting agency. If a bond is required for a project, the agency will indicate that requirement in their Project Description that is distributed to contractors. In such cases, the prime contractor shall indicate his agreement to supply the bond in his written draft Project Proposal. If his Project Proposal is chosen, the prime contractor shall furnish a bond to the requesting agency prior to commencement of any work in an amount equal to fifty percent (50%) of the total cost for the project. The bond must be from an admitted surety insurer and must guarantee the contractor's performance per the terms of the contract(s) and the state's Work Authorization(s).

In addition, a performance bond is required when an agency chooses to use progress payments as stated in their Project Description. The use of progress payments requires that not less than ten percent (10%) of the total cost for the project be withheld pending final successful completion of the project. After completion of the project the amount withheld will be paid to the contractor. However, if the project requires the performance of a number of separate and distinct tasks, then any funds so withheld with regards to a particular task may be paid upon completion of that task. This is only applicable when the benefits of a completed task can be fully utilized without completion of subsequent tasks. The separate

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and distinct tasks and the percentage of the total cost to be withheld for each will be clearly identified in the agency's Work Authorization.

In either case, if a performance bond is required by an agency per the Project Description, the contractor at no additional cost shall agree to furnish to the agency prior to the commencement of work one (1) of the following instruments in the amount not to exceed the amounts stipulated for each below and on the Work Authorization.

- a. Letter of Bondability. The Letter of Bondability shall be from an admitted Surety Insurer which states the surety unconditionally offers to guarantee to the extent of fifty percent (50%) of the value of the Work Authorization the bidder's performance in all respects of the terms and conditions and provisions of the agreement, and that within twenty-one (21) calendar days after the effective start date of the Work Authorization, the surety will execute the Performance Bond requirement.
- b. Performance Bond. The bidder shall furnish to the Deputy Director of the Department of General Services, Telecommunications Division, (or specified delegated agency), a Performance Bond in the amount of fifty percent (50%) of the value of the Work Authorization. The Bond shall be on a form from an admitted surety insurer and must guarantee contractor's compliance with the terms of the Work Authorization.

NO PROOF OF PROFESSIONAL LIABILITY INSURANCE IS REQUIRED WITH THE DRAFT AND FINAL BID. The bidder should take the necessary steps prior to submittal of the Final Bid to ensure that, if awarded a contract as a result of this RFP, the bidder will be able to comply with this requirement. After award of contract(s) resulting from this RFP, if a contractor is unable to furnish a performance bond for a project where such a performance bond is required per the Project Description, the contractor may be found in default, and the state may terminate the contract.

**NO LETTER OF INSURABILITY FOR ERRORS AND OMISSIONS WILL BE REQUIRED WITH THE DRAFT AND FINAL BID.**

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**K.      TIMING**

Delays will seriously reduce the effectiveness and intent of this contract(s). Therefore, no contractor will be permitted to continue their contract if they, in the state's sole opinion, cause the process to become unreasonably delayed. For this reason, the following timing parameters apply:

1.      Upon receipt of a Project Description from an agency, within three (3) working days a contractor must either agree to respond to the Project Description or decline to respond.

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2. Once the contractor has agreed to respond to a Project Description, the contractor must provide to the requesting agency within no more than fifteen (15) working days a complete draft Project Proposal that in one (1) single submission includes all appropriate consultant resumes. The state reserves the right to expedite this process to comply with an agency's urgent, project-specific, business needs.

The resumes submitted must substantiate that the consultant(s) has the requisite skills to perform the work described in the Project Description, **Section III, CURRENT PROGRAM**, and **Section VIII, TECHNICAL REQUIREMENTS**.

3. Upon submission of a draft Project Proposal, a contractor's consultant(s) must be available for interview with the requesting agency within five (5) working days.
4. The contractor's draft Project Proposal shall be finalized in coordination with the requesting agency based on a time frame that is appropriate to the agency's needs.
5. Any contractor consultant(s) must be available to start work at a mutually acceptable time or within ten (10) working days after receipt of a written Work Authorization.
6. No contractor's consultant shall work more than a total of 1548 hours during any twelve (12) month period for any single agency. (Refer to Government Contract Section 19130.)

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**L. WORK ENVIRONMENT**

The agency project manager designated in the Work Authorization will exercise project oversight. Policies, standards, and procedures established by the state and the project manager must be followed by all contractor personnel.

If defined in a project-specific Work Authorization, the state may provide project-related work space, materials, telephone usage, and clerical assistance normally associated with telecommunications consulting.

If the contractor's consultants are required to perform their duties at the agency location, it shall be performed during regular agency work day and normal work hours, unless requested by the agency to work extended hours or other than regular work hours. However, there will be no increase in the hourly rate for such extended hours. Since this is a state wide contract, the contractor may be required to provide services anywhere within the state.

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

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**M. TERMINATION**

1. The state reserves the right to terminate any contractor consultant on any particular Work Authorization for cause (e.g., breach of security, unacceptable business conduct, or incompetence) within three (3) working days of notification by the agency. The state will pay no charges for such early termination. The state reserves the right to require replacement for such a terminated consultant within ten (10) working days following notification by the state. The contractor may not, without the state's consent, replace a consultant other than for reasons beyond the contractor's control.
2. The state reserves the right to terminate any project Work Authorization issued under this contract with thirty (30) days written notice to the contractor. The state will pay no charges for such early termination. If a Work Authorization is terminated, the agency will reimburse the contractor for all work performed through the date of termination per the terms of the contract and the Work Authorization.
3. The state reserves the right to terminate any contract resulting from this RFP without penalty to the state for any of the following reasons.
  - a. The contractor's proposed consultant(s) is unacceptable or unavailable for three (3) consecutive requests within any sixty (60) working day period. A contractor can be exempted from this requirement only if, in advance, they provide written notice requesting to be omitted from quoting for certain types of consulting.
  - b. The contractor offers a consultant who does not have reasonable familiarity with the type of environment in which they will work, consistent with the consulting category requested, and will not be immediately productive with minimal orientation and training on the hardware and software tools which are utilized by the requesting state agency.
  - c. The contractor fails to either:
    - (1) Repeatedly decline to respond to an invitation to participate on a specific Project Description within three (3) working days, or
    - (2) Repeatedly fails to follow through in responding to a specific Project Description and provide a draft project proposal including resumes of qualified consultants to the requesting state agency within fifteen (15) working days.



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- d. The contractor provides consultants who are not available to interview within an additional five (5) working days following the delivery of a draft Project Proposal to a requesting agency.
- e. The contractor provides consultants who are not available to start work at a mutually agreeable time or within ten (10) working days of being accepted by a state agency in response to an approved Work Authorization.
- f. The contractor accepts a Work Authorization for a project that requires a bond (or other surety documentation) and fails to provide a performance bond, has their bond (or other surety documentation) revoked, or is found to be unbondable.

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**N.      REPORTING**

Each contractor shall report contract data to the DGS-TD contact person (see **Section I**) per **Section III-H, PROJECT ADMINISTRATION**. If a contractor fails to submit a required report, even if there is no project activity, their contract may be canceled.

At a minimum, reports will be submitted as follows:

- monthly activity reports indicating projects status;
- annual reports of DVBE subcontractor participation by project.

Additional ad hoc reporting may be required by the state per the terms of the contract.

**The bidder agrees to the terms of this section.**      YES \_\_\_\_\_      NO \_\_\_\_\_

**O.      ADDITIONS TO THE RESULTING CONTRACT**

With the issuance of this RFP, the state is continuing to pilot a new concept called a “Evergreen contract”. This concept allows the state during the term of the contract to refresh or add new qualified firms to the MSA. This would allow the state to keep up with the potential demand for qualified contractors for existing service categories or to add new service categories to the contract. New contractors added to existing categories would have to meet the original selection criteria. All contractors will have to submit complete information to be considered for any new categories.

References that were used as part of a successful State proposal will be considered for this RFP (i.e. CMAS, IT or Telecom Masters). All references must be verifiable. Project

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references can be utilized to qualify across multiple categories. However, bidder's must identify relevance of references to each category bid. Bidder's may use the three (3) most current references demonstrating the qualifications in the category for which they wish to be considered.

**The bidder agrees to the terms of this section.** YES \_\_\_\_\_ NO \_\_\_\_\_

**P. OTHER ADMINISTRATIVE REQUIREMENTS**

1. Each contract executed as a result of this RFP must be able to be amended by mutual consent of the state and contractor.
2. The costs associated with this contract for the contractor's consultants for non-project-related training, travel, per diem, etc. are outside the scope of this RFP and will not be paid by the state.
3. All contractor supplied consultants must meet the level of experience for the category bid as defined in this RFP. Subcontractor consultants must also meet all other applicable requirements of the RFP. The prime contractor must make any subcontractor used aware of all the RFP requirements. The prime contractor will be held accountable for the subcontractor meeting the consultants expertise levels as well as other RFP requirements.
4. There will be agency projects in process that will span from the existing contracts through to the new contracts as a result of the RFP process. The contract conversion process will require the consulting firm to maintain rates under which the project was negotiated until project completion, unless the new consulting contract rates offered by the existing consulting firm for that project are lower. Contractor will have the option to offer the new lower rates. Normal annual rate escalations will apply to the original contract under which the project was negotiated. This requirement is to allow the agency consistent or lower rates through the project duration.
5. A state employed project manager shall monitor the progress and approve results of the contractor. It shall be the state's sole determination whether a deliverable and/or task has been successfully completed.
- 6.. Project invoices must include period covered, tasks, resources and hours worked during the invoice period. See invoice sample in **Section III, EXHIBIT III-F**.

**The bidder agrees to the terms of this section.** YES \_\_\_\_\_ NO \_\_\_\_\_

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**Q. PREFERENCES RELATED TO SPECIFIC PROJECT REQUESTS**

**The following preferences will be considered when each project proposal is requested**

**1. ENTERPRISE ZONE ACT (EZA) PREFERENCES REQUEST**

Government Code Section 707, et seq., provides that California based companies may be granted preferences when bidding on state contracts in excess of \$100,000 for goods and services (excluding construction contracts) if the business site is located within designated "Enterprise Zones" as designated by the State Trade and Commerce Agency. Bidder's desiring to claim this preference must submit a fully executed copy of the Std. Form 831. This document is available electronically at the following Internet link:

<http://www.documents.dgs.ca.gov/osp/pdf/std831.pdf>

**The bidder claims this preference.** YES \_\_\_\_\_ NO \_\_\_\_\_

**2. TARGET AREA CONTRACT PREFERENCE**

Target Area Contract Preference will be granted to California based bidder's in accordance with Government Code Section 4530 whenever contracts for goods or services are in excess of \$100,000 and the bidder's meet certain requirements. Bidder desiring to claim this preference for services must submit a fully executed copy of form Std. 830. This document is available electronically at the following Internet link:

<http://www.documents.dgs.ca.gov/osp/pdf/std830.pdf>

**The bidder claims this preference.** YES \_\_\_\_\_ NO \_\_\_\_\_

**3. LOCAL AGENCY MILITARY BASE RECOVER AREA (LAMBRA) PREFERENCE REQUEST**

California Government Code Section 7118 et seq., and California Code of Regulations, Title 2, Section 1896, 100 et seq., provide that California-based companies may be granted preferences when bidding on State contracts in excess of \$100,000 if they qualify for and apply for the LAMBRA Preference. Bidder's wishing to claim this preference must submit a fully executed copy of form Std. 832. This document is available electronically at the following Internet link:

<http://www.documents.dgs.ca.gov/osp/pdf/std832.pdf>

**The bidder claims this preference.** YES \_\_\_\_\_ NO \_\_\_\_\_

**4. OFFSET CREDIT PARTICIPATION**

The Offset Credit Participation Program is not applicable for this procurement.

**5 SMALL BUSINESS PREFERENCE**

The Small Business Preference Program is applicable for this procurement.

The Small Business Preference requirement language is identified in Section IX, B., 4. Small Business Preference.

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**Exhibit VII-A**

**SUBCONTRACTOR IDENTIFICATION - BY CATEGORY**

**BIDDER'S NAME:** \_\_\_\_\_

**PROPOSED CONSULTING CATEGORY #** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_

**PROPOSED CONSULTING CATEGORY TITLE** \_\_\_\_\_

	<b>Subcontractor Firm Name</b>	<b>Address</b>	<b>Telephone</b>	<b>Contact Person</b>	<b>Nature of Work</b>	<b>&gt;10%? (Yes or No)</b>
__1.						
__2.						
__3.						
__4.						
__5.						
__6.						
__7.						
__8.						
__9.						
__0.						

Use as many sheets as necessary, and number each page. Insert the appropriate leading digit in each blank space in the left-hand column to consecutively number all entries.

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**Certification Regarding Debarment, Suspension, Ineligibility and  
Voluntary Exclusion Lower Tier Covered Transactions**

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This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ THE INSTRUCTIONS ON THE BACK WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)**

- (1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Name and Title of Authorized Representative

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Signature

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Date

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**Instructions for Certification**

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this class is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

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**Exhibit VII-C**

**BIDDER'S BACKGROUND**

*This page of the RFP intentionally left blank. In the bidder's response to the state, this Exhibit shall include the information required in Section VII.I*